

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

MAXIM CRUDE OIL, LLC
Plaintiff

VS.

NOIL CORP., INC.,
Defendant/
Counter-Plaintiff

and

MORRELL STEVE NEELY,
Defendant,

VS.

James Jensen

Counter/Defendant

[illegible]

Civil Cause No. 2:21-cv-90

MOTION TO WITHDRAW AS COUNSEL FOR DEFENDANTS

TO THE HONORABLE DAVID S. MORALES, UNITED STATES DISTRICT JUDGE:

The undersigned law firm of Beatty Navarre Strama P.C., Michael L. Navarre, and Matthew R. Beatty (collectively, the “Firm”), request that this Court enter an Order permitting their withdrawal from this case and from further representation of Defendants Noil Corp., Inc. and Morrell Steve Neely (“Defendants”), and as grounds states the following:

1. Defendants retained the Firm as counsel to represent them in this matter.
2. Pursuant to Rule 1.16 of the Model Rules of Professional Conduct and Rule 1.15 of the Texas Rules of Professional Conduct, grounds exist for this Court to allow the Firm's withdrawal from representing Defendants. Additionally, good cause exists for the Firm's withdrawal from representing Defendants. Withdrawal is not being sought for delay.

3. Defendants are also represented by Marty J. Schwartz and the firm of Schain Banks in this matter. Mr. Schwartz and Schain Banks are not seeking to withdraw and will continue to represent Defendants. Mr. Schwartz is not licensed to practice law in Texas.

4. Previously, Defendants were told that they needed to seek new counsel. Until Defendants retain new counsel, all papers and documents can continue to be served on Defendants by serving their other counsel: Marty J. Schwartz, Schain Banks, at Three First National Plaza, Suite 2300, Chicago, IL 60602 and mschwartz@schainbanks.com.

5. Defendants do not consent to this withdrawal. A copy of this Motion has been sent to Defendants via email at steve.neely@noilcorp.com. Defendants have been notified in writing of their right to object to this Motion.

6. Counsel for Maxim and James Jensen is opposed to this Motion.

7. The following is a list of all pending settings and deadlines in this matter:

May 11, 2022: Mediation Scheduled with Magistrate Judge Jason B. Libby

June 2, 2022: Deadline to Complete Mediation

June 12, 2022: Mediation Status Report or Settlement/Dismissal

June 22, 2022: Joint Pretrial Order

July 6, 2022: Final Pretrial Conference:

July 25, 2022: Trial

WHEREFORE, Beatty Navarre Strama P.C., Michael L. Navarre, and Matthew R. Beatty respectfully request this Court enter an order granting this Motion to Withdraw as counsel for Defendants, relieving them of any further obligations in connection with this case, directing the Clerk of the Court to remove counsel from the Firm as a recipient of Notices of Electronic Filings in this case, and awarding any such further relief this Court deems just and proper.

Dated: May 7, 2022

Respectfully submitted,

/s/ Michael L. Navarre
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CERTIFICATE OF CONFERENCE

I certify that I conferred with opposing counsel regarding the substance of this motion today and counsel informed me that he is opposed to the relief sought in this motion.

/s/ Michael L. Navarre
Michael L. Navarre

CERTIFICATE OF SERVICE

I certify that on this the 7th day of May, 2022, I served a true and correct copy of the foregoing instrument on the counsel of record below by EM/EC and by email as follows:

Antonio Ortiz – via aortiz@jhwclaw.com
Shelby A. Jordan – via sjordan@jhwclaw.com
JORDAN, HOLZER & ORTIZ, P.C.
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MARTY J. SCHWARTZ - via mschwartz@schainbanks.com (email only)
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Morrell Steve Neely – via steve.neely@noilcorp.com (email only)

/s/ Michael L. Navarre
Michael L. Navarre